

Introduced by Senator Battin

January 8, 2001

An act to amend Section 4709 of the Labor Code, relating to workers' compensation death benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 69, as introduced, Battin. Workers' Compensation: death benefits.

Existing law provides for the payment of a state scholarship to dependents of specified peace officers, correctional officers or employees, and firefighters if the peace officer, correctional officer or employee, or firefighter is killed in the performance of his or her duty or if death or permanent disability is suffered by the peace officer, correctional officer or employee, or firefighter as a result of specified accidents or injuries incurred in the performance of his or her duty. Eligibility for the state scholarship is limited to dependents who demonstrate financial need to the Student Aid Commission.

This bill would delete the eligibility limitation for the scholarship that requires demonstration of financial need to the Student Aid Commission.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4709 of the Labor Code is amended to
2 read:
3 4709. (a) Notwithstanding any other provisions of law, a
4 dependent of a peace officer, as defined in Section 830.1, 830.2,



1 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37,
2 830.38, 830.39, 830.4, 830.5, or 830.6 of the Penal Code, who is
3 killed in the performance of duty or who dies or is totally disabled
4 as a result of an accident or an injury caused by external violence
5 or physical force, incurred in the performance of duty, when the
6 death, accident, or injury is compensable under this division or
7 Division 4.5 (commencing with Section 6100) shall be entitled to
8 a scholarship at any institution described in subdivision (k) of
9 Section 69535 of the Education Code. The scholarship shall be in
10 an amount equal to the amount provided a student who has been
11 awarded a Cal Grant scholarship as specified in Article 3
12 (commencing with Section 69530) of Chapter 2 of Part 42 of the
13 Education Code. ~~Eligibility for a scholarship under this section~~
14 ~~shall be limited to a person who demonstrates financial need as~~
15 ~~determined by the Student Aid Commission pursuant to Article 1.5~~
16 ~~(commencing with Section 69503) of Chapter 2 of Part 42 of the~~
17 ~~Education Code.~~

18 (b) A dependent of an officer or employee of the Department
19 of Corrections or the Department of the Youth Authority described
20 in Section 20017.77 of the Government Code who is killed in the
21 performance of duty, or who dies or is totally disabled as a result
22 of an accident or an injury incurred in the performance of duty,
23 when the death, accident, or injury is caused by the direct action
24 of an inmate, and is compensable under this division or Division
25 4.5 (commencing with Section 6100), shall also be entitled to a
26 scholarship specified in this section.

27 (c) Notwithstanding any other provisions of law, a dependent
28 of a firefighter employed by a county, city, city and county, district,
29 or other political subdivision of the state, who is killed in the
30 performance of duty or who dies or is totally disabled as a result
31 of an accident or injury incurred in the performance of duty, when
32 the death, accident, or injury is compensable under this division or
33 Division 4.5 (commencing with Section 6100), shall also be
34 entitled to a scholarship specified in this section.

35 (d) Nothing in this section shall be interpreted to allow the
36 admittance of the dependent into a college or university unless the
37 dependent is otherwise qualified to gain admittance to the college
38 or university.

39 (e) The scholarship provided for by this section shall be paid
40 out of funds annually appropriated in the Budget Act to the Student

1 Aid Commission established by Article 2 (commencing with
2 Section 69510) of Chapter 2 of Part 42 of the Education Code.

3 (f) The receipt of a scholarship provided for by this section
4 shall not preclude a dependent from receiving a Cal Grant award
5 pursuant to Article 3 (commencing with Section 69530) of
6 Chapter 2 of Part 42 of the Education Code, any other grant, or any
7 fee waivers that may be provided by an institution of higher
8 education. The receipt of a Cal Grant award pursuant to Article 3
9 (commencing with Section 69530) of Chapter 2 of Part 42 of the
10 Education Code, any other grant, or any fee waivers that may be
11 provided by an institution of higher education shall not preclude
12 a dependent from receiving a scholarship provided for by this
13 section.

14 (g) The amendments made to this section during the 1995
15 portion of the 1995–96 Regular Session shall apply to a student
16 receiving a scholarship on the effective date of the amendments
17 unless that application would result in the student receiving a
18 scholarship on less favorable terms or in a lesser amount, in which
19 case the student shall continue to receive the scholarship on the
20 same terms and conditions in effect prior to the effective date of
21 the amendments.

22 (h) As used in this section, “dependent” means the children
23 (natural or adopted) or spouse, at the time of the death or injury,
24 of the peace officer, law enforcement officer, or firefighter.

